

ENTERED

November 17, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

GREGORIO GARCIA, III,

"Plaintiff,"

v.

BERNADETTE RODRIGUEZ, et al.

"Defendants."

§
§
§
§
§
§
§

Civil Action No. 1:22-cv-00101

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Plaintiff's pro se "Prisoner Civil Rights Complaint" ("Complaint") (Dkt. No. 1) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 11). The R&R recommends (1) dismissing Plaintiff's Complaint (Dkt. No. 1) with prejudice, (2) directing the Clerk of Court to close this case, (3) designating the dismissal as a "strike" for purposes of 28 U.S.C. § 1915(g), (3) instructing the Clerk of Court to send notice of dismissal to the Manager of the Three Strikes List for the Southern District of Texas, and (4) notifying Plaintiff that, because he has accumulated more than three strikes, he will be unable to proceed *in forma pauperis* in any civil action or appeal, if he files that action or appeal while incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury.

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**:

1. Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITH PREJUDICE**.
2. The Clerk of court is **DIRECTED** to **CLOSE** this case.
3. Plaintiff is hereby **NOTIFIED** that the **DISMISSAL** of Plaintiff's Complaint (Dkt. No. 1) is designated as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).
4. The District Court Clerk is **ORDERED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas.
5. Plaintiff is hereby **NOTIFIED** that he has accumulated more than three strikes. Plaintiff will not be able to proceed *in forma pauperis* in any civil action or appeal if he files that

action or appeal while incarcerated or detained in any facility unless he is under imminent danger of serious physical injury.

Signed on this 17th day of November, 2022.



Rolando Olvera
United States District Judge